

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

JUL 31 2015

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

DONALD WAYNE SHIPE,
Petitioner,

Civil Action No. 7:09-cv-00454

v.

ORDER

TRACY S. RAY,
Respondent.

By: Hon. Michael F. Urbanski
United States District Judge

This matter is before the court upon pro se Petitioner's motion for reconsideration, pursuant to Federal Rule of Civil Procedure 60(b), of the Memorandum Opinion and Order entered on September 28, 2010, that dismissed his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner argues that newly-discovered evidence about the testimony of Commonwealth witness William Lindamood establishes a violation of due process during his state criminal trial. Appearing proper to do so, it is hereby **ORDERED** that Respondent shall **FILE** a response to the motion for reconsideration within forty-five days. Respondent should forward to this court the records and transcripts (or copies thereof) of the state trial, appeal, and habeas corpus proceedings, if deemed pertinent and available, with the assurance that those records will be returned to the responsible state court.

The Clerk shall send a certified copy of this Order to Petitioner at his present place of confinement and to the Office of the Attorney General of Virginia.

ENTER: This 31st day of July, 2015.



United States District Judge